

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated April 4, 2007. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1-19 stand for consideration in this application, wherein claims 1, 6-8, and 11 are being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention. In addition, new claims 13-19 are hereby submitted for consideration.

All amendments to the application are fully supported therein, including page 8, lines 13-20 of the specification and Fig. 4. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Interview Summary

The telephone interview was conducted with the Examiner Stephen Avila on July 31, 2007. During the interview, the Examiner agreed to that the term "a pivotal point" recited in amended claim 1 would be supported by the specification. However, no agreement was reached regarding the allowability of the proposed claim amendments.

Prior Art Rejections

The First 35 U.S.C. §102(b) rejections

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Tuurna. Applicants respectfully traverse this rejection for the reasons set forth below.

According to the M.P.E.P. §2131, a claim is anticipated under 35 U.S.C. §102 (a), (b), and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

The Examiner asserted that a backbone and a strut as recited in claim 1 may read on a sail batten 13 and a boom 4 of Tuurna, respectively. The Examiner further asserted that Tuurna's device is capable of being hinged at the upper end thereof the fore end of the backbone to be movable between a position extending downward from the fore end of the

backbone and a position along the backbone to permit rise and fall movement of the strut. However, the Examiner did not indicate which element of Tuurna is capable of being hinged at the upper end thereof the fore end of the backbone to be movable between a position extending downward from the fore end of the backbone and a position along the backbone to permit rise and fall movement of the strut.

Claim 1 as amended recites that a sailing device suitable for use in a pleasure boat, comprises: a sail portion composed of a backbone, a pair of left and right spars extending obliquely backward from the fore end of the backbone and a sail-cloth attached at the fore edge thereof to the pair of left and right spars and at the aft end thereof to the aft end of the backbone; a strut being movable on a pivotal point between a position extending downward from the fore end of the backbone and a position along the backbone, the lower end of said strut being directly mounted on the boat hull or indirectly attached to the boat hull by support of a user to permit rise and fall movement of the strut, wherein the pivotal point is near an upper end portion of the strut. As shown in Fig. 4, for example, a strut 4 is connected to a backbone 1 through a head block 14 to be movable on the upper end portion of the strut between a position extending downward from the fore end of the backbone 1 and a position folded along the backbone 1.

Tuurna shows that the mast tubes 3a, 3b and the boom 4 are connected to each other by a nose link 9 to change the nose angle α and fold the mast tubes toward the boom 4. However, Tuurna does not show or suggest that the boom 4 is movable between a position extending downward from the fore end of the backbone and a position along the sail batten 13 to permit rise and fall movement of the boom 4.

Therefore, Tuurna does not show every element recited in claim 1. Accordingly, claim 1 is not anticipated by Tuurna.

35 U.S.C. §103(a) rejections

Claim 2 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Tuurna (U.S. Patent No. 5,826,530) in view of Talve (U.S. Patent No. 4,382,417). Claims 3-4 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Tuurna in view of Brown (U.S. Patent No. 4,269,133). Claim 5 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Tuurna in view of Priebe (U.S. Patent. No. 4,848,258). These rejections are respectfully traversed for the reasons set forth below.

As set forth above, Tuurna fails to teach all the elements recited in claim 1, from which claim 10 depends. The secondary references of Talve, Brown, and Priebe fail to provide any disclosure, teaching or suggestion that make up for the deficiencies in Tuurna. Therefore, at the time the invention was made, one of ordinary skill in the art would not and could not achieve all the features of the invention as recited in claim 1, from which claims 2-5 depend. Accordingly, claims 2-5 are not obvious in view of all the prior art cited.

Allowable Subject Matter

Applicants thank the Examiner for holding that claims 6-12 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6-8 and 11 are being amended so as to be in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, allowance of claims 6-8, 11 and their dependent claims 9-10 and 12 are respectfully requested.

Applicants will point out that the reasons for allowability of the above referenced claims are not limited to the reasons for allowance as set forth in the Office Action.

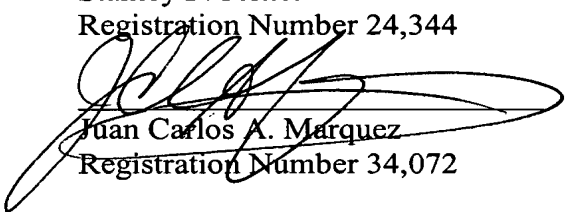
Conclusion

In light of the Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344


Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200

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